

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Kai Narvanen	CONF. NO.:	2773
SERIAL NO.:	10/022,144	ART UNIT:	2664
FILING DATE:	December 13, 2001	EXAMINER:	Jain, Raj K.
TITLE:	ARRANGING PACKET DATA CONNECTIONS IN OFFICE SYSTEM		
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Mail Stop AF
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P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE REVIEW

I. INTRODUCTION

This is in response to the Office Action mailed October 3, 2006 and is being filed concurrently with a Notice of Appeal. Reconsideration of the rejection of the claims is respectfully solicited in light of the following remarks.

II. DISCUSSION

It is respectfully submitted that a *prima facie* case of obviousness in the rejection of claims 1-3 and 6-10 over Rautiola et al. ("Rautiola") and Jiang et al. ("Jiang") under 35 U.S.C. §103(a) has not been established. There is no legal motivation to combine the references as required for purposes of 35 U.S.C. §103(a) and the proposed combination does not teach each of the claimed features.

As stated in MPEP §2142:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

It is further stated in MPEP §2142 that to "support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.' *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)."

There is no motivation to combine Rautiola and Jiang. The Examiner acknowledges that Rautiola does not disclose or suggest a serving support node, packet control unit

and gateway support node, which are configured to support the packet data protocol, as recited by Applicant in the claims. (OA mailed 3/6/06, page 5, lines 14-18; OA mailed 10/3/06, page 3, lines 14-18). The Examiner uses Jiang to overcome this deficiency. However, it is submitted that there is no reason why one would look from an integrated office communication system (Rautiola) to a method to provide information to devices in a format preferable to the device type, to achieve the invention claimed by Applicant.

In the Office Action mailed October 3, 2006, the Examiner states, "neither reference explicitly recites the motivation as stated for combining." (page 21). Rather, the Examiner provides "possibilities" for the motivation to combine the references. For example, the Examiner states that the motivation set forth in the Office Action mailed March 6, 2006, to have greater degree of control and predictability of IP addressing among mobile users and avoiding IP address conflict, is "one possible motivation for combining". (OA mailed October 3, 2006, page 22). In the current Office Action the Examiner states that "another motivation may be to provide seamless and transparent communications to the user from the office environment to outside environment." (OA mailed October 3, 2006, page 22). These are merely conclusory statements and do not satisfy the need for "specificity" in a determination of obviousness. *In re Lee*, 277 F.3d 1338, 1342, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Thus, it is respectfully submitted that "possibilities" do not satisfy the request "motivation" to establish a *prima facie* case of obviousness for purposes of 35 U.S.C. §103(a).

Rautiola relates to an office communication system that provides, in addition to conventional telephone services, data communication and other advanced services. (Col. 1, lines 1-9). Connections to the outside world are made via a gateway computer (1) and public cellular radio network. (Abstract, lines 8-10). The local area network connects the gateway computer to a group of base units serving as radio base stations. (Col. 3, lines 35-44). Rautiola is primarily focused on an integrated communication system that provides advanced communication services for users in offices and other

working environments. (Col. 1, lines 4-8). There is a local area network in the office and a cellular radio network between office units. (Col. 3, lines 35-38).

Jiang relates to providing information to devices in a format preferable to the device type. (Abstract). Jiang determines the type of the user's device and formats the requested information accordingly. (Col. 5, lines 37-40). All that Jiang discloses related to GPRS is that a packet-switched network exists, and that it can be used for communication. Referring to Col. 8, lines 1-9, Jiang only mentions that the WPM can **interface** with a General Packet Radio Service (GPRS), as one possible communication channel, but does not suggest **adding GPRS elements**, which clearly would be required in an attempt to achieve what is claimed by Applicant. The mere reference to a GPRS system in Jiang does not lead one to modify Rautiola in an attempt to achieve what is claimed by Applicant.

Neither Rautiola nor Jiang relate to **adding GPRS elements**, such as a radio access gateway, serving support node and a gateway support node to provide the implementation of appropriate packet-switched gateway elements inside the network and an appropriate routing for carrying out the internal packet switched services of the office network, as claimed by Applicant, and there is no reason to combine the references in an attempt to achieve that claimed by Applicant.

Applicant also respectfully submits that these "possibilities" being provided by the Examiner are only being made with hindsight knowledge of Applicant's claimed invention, are not implied by the proposed combination of references, and do not lead to what is claimed by Applicant.

Applicant's claims are directed to enabling the use of packet-switched services inside an office network. In a system, such as that disclosed by Rautiola, the office base transceiver station is not an interface to a GPRS system. An interface to a GPRS system requires GPRS protocol layers. A mobile system connected to an office system through a base transceiver station as described by Rautiola will not be able to utilize GPRS

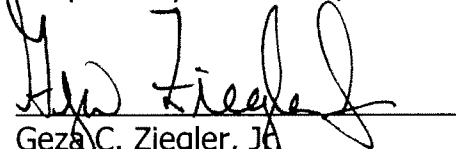
services because the base transceiver station does not include GPRS protocol layers and is thus, not an interface to the GPRS system. This deficiency is generally acknowledged by the Examiner where he states that Rautiola fails to disclose a serving support node, packet control unit and gateway support node, which are configured to support the packet data protocol. (page 3, OA 10/03/2006).

Jiang does not disclose or suggest adding GPRS elements. Referring to Col. 8, lines 1-9, Jiang only mentions that the WPM can interface with a General Packet Radio Service (GPRS), as one possible communication channel. Jiang relates to providing information to devices in a format preferable to the device and all that Jiang discloses related to GPRS is that a packet-switched network exists, and that it can be used for communication. The mere reference to a GPRS system in Jiang would not lead one to modify Rautiola in view of Jiang to include GPRS elements.

The proposed combination does not teach or suggest all of the claimed limitations. The combination of Rautiola and Jiang does not disclose or suggest a radio access gateway, serving support node and a gateway support node to provide the implementation of appropriate packet-switched gateway elements inside the network and an appropriate routing for carrying out the internal packet switched services of the office network.

Thus, a *prima facie* case of obviousness in the rejection of claims 1-3 and 6-10 over Rautiola and Jiang under 35 U.S.C. §103(a) is not, has not and cannot be established.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

2 January 2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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Pre-Appeal Review Request

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